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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Winfried Rauer et al.

Title: ELECTRONIC MEASURING DEVICE FOR DETECTING A PROCESS VARIABLE, IN PARTICULAR A RADAR OR ULTRASONIC FILLING LEVEL MEASURING DEVICE, AND A METHOD FOR OPERATING A MEASURING DEVICE OF THIS TYPE

Docket No.: 235.021US1

Serial No.: 09/998,000

Filed: November 29, 2001

Due Date: N/A

Examiner: Unknown

Group Art Unit: 2855

Commissioner for Patents
Washington, D.C. 20231

We are transmitting herewith the attached:

- Communication Re: Incorrect Filing Receipt (1 pg.)
 Copy of Filing Receipt (1 pg.)
 A return postcard.
 Copy of Signed Declaration (3 pgs.)

No Additional fee is required.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

By: _____
Name: Timothy B. Clise
Reg. No. 40,957
TBC:CMG:eml

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Paula Suchy
Name

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S/809/998,000

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Winfried Rauer et al. Examiner: Unknown
Serial No.: 09/998,000 Group Art Unit: 2855
Filed: November 29, 2001 Docket: 235-021US1
Title: ELECTRONIC MEASURING DEVICE FOR DETECTING A PROCESS
VARIABLE, IN PARTICULAR A RADAR OR ULTRASONIC FILLING
LEVEL MEASURING DEVICE, AND A METHOD FOR OPERATING A
MEASURING DEVICE OF THIS TYPE

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COMMUNICATION RE: INCORRECT FILING RECEIPT

Commissioner for Patents
Washington, D.C. 20231

Applicants hereby request correction of the Filing Receipt with respect to the above-identified patent application. In the Filing Receipt received July 29, 2002, (copy enclosed), the Foreign Applications filing date is incorrect, it should read "12/01/2000" as evidenced by the signed Declaration.

Applicants would appreciate the above-identified printing error be corrected and that a new "corrected" filing receipt be sent to Applicants' representatives at the address given below.

Respectfully submitted,

WINFRIED RAUER ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 349-9587

Date 2 August 2002

By


Timothy B. Clise
Reg. No. 40,957
TBC:CMG:eml

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner of Patents, Washington, D.C. 20231, on July 5, 2002.

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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/998,000	11/29/2001	2855	1300	235.021US1	10	32	4

21186
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

CONFIRMATION NO. 3910
UPDATED FILING RECEIPT

OC000000008411642

Date Mailed: 07/25/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Winfried Rauer, Fischerbach, GERMANY;
Christian Ruf, Offenburg, GERMANY;

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AUG 27 2002

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/274,712 03/12/2001

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Foreign Applications

GERMANY 100 59 815.3 01/12/2000

If Required, Foreign Filing License Granted 01/25/2002

Projected Publication Date: 10/17/2002

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Non-Publication Request: No

JUL 30 2002

Early Publication Request: No

Schwegman, Lundberg,
Woessner & Kluth, P.A.

Title

Schwegman, Lundberg,
Woessner & Kluth, P.A.

Electronic measuring device for detecting a process variable, in particular a radar or ultrasonic filling level measuring device, and a method for operating a measuring device of this type

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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Attorney Docket No.235.021US1

AUG 12 2002

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **ELECTRONIC MEASURING DEVICE FOR DETECTING A PROCESS VARIABLE, IN PARTICULAR A RADAR OR ULTRASONIC FILLING LEVEL MEASURING DEVICE, AND A METHOD FOR OPERATING A MEASURING DEVICE OF THIS TYPE.**

The specification of which was filed on November 29, 2001 as application serial no. 09/998,000.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

Foreign application(s), if any, claiming priority under 35 U.S.C. § 119:

Application Number
100 59 815.3

Country
Germany

Day/Month/Year Filed
01/12/2000

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number
60/274,712

Filing Date
March 12, 2001

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

No such claim for priority is being made at this time.

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I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Greaves, John N.	Reg. No. 40,362	Nelson, Albin J.	Reg. No. 28,650
Aronoff, Marvin S.	Reg. No. 35,052	Haack, John L.	Reg. No. 36,154	Nicholson, Lea A.	Reg. No. 48,346
Arora, Suneel	Reg. No. 42,267	Harris, Robert J.	Reg. No. 37,346	Nielsen, Walter W.	Reg. No. 25,539
Beekman, Marvin L.	Reg. No. 38,377	Jackson Huebsch, Katharine A.	Reg. No. 47,670	Padys, Danny J.	Reg. No. 35,635
Berdie, Raymond R.	Reg. No. P-50,769	Jurkovich, Patti J.	Reg. No. 44,813	Parker, J. Kevin	Reg. No. 33,024
Bianchi, Timothy E.	Reg. No. 39,610	Kalis, Janal M.	Reg. No. 37,650	Perdok, Monique M.	Reg. No. 42,989
Billion, Richard E.	Reg. No. 32,836	Klima-Silberg, Catherine I.	Reg. No. 40,052	Peret, Andrew R.	Reg. No. 41,246
Black, David W.	Reg. No. 42,331	Kluth, Daniel J.	Reg. No. 32,146	Peterson, David C.	Reg. No. 47,857
Brennan, Thomas F.	Reg. No. 35,075	Lacy, Rodney L.	Reg. No. 41,136	Prout, William F.	Reg. No. 33,995
Brooks, Edward J., III	Reg. No. 40,925	Lemaire, Charles A.	Reg. No. 36,198	Schumm, Sherry W.	Reg. No. 39,422
Chadwick, Robin A.	Reg. No. 36,477	LeMoine, Dana B.	Reg. No. 40,062	Schwegman, Micheal L.	Reg. No. 25,816
Clark, Barbara J.	Reg. No. 38,107	Lundberg, Steven W.	Reg. No. 30,568	Scott, John C.	Reg. No. 38,613
Cline, Timothy B.	Reg. No. 40,957	Maki, Peter C.	Reg. No. 42,832	Smith, Michael G.	Reg. No. 45,368
Cochran, David R.	Reg. No. 46,632	Malen, Peter L.	Reg. No. 44,894	Speier, Gary J.	Reg. No. 45,458
Dahl, John M.	Reg. No. 44,639	Mates, Robert E.	Reg. No. 35,271	Steffey, Charles E.	Reg. No. 25,179
Drake, Eduardo E.	Reg. No. 40,594	McCrackin, Ann M.	Reg. No. 42,858	Stordal, Leif T.	Reg. No. 46,251
Embreton, Janet E.	Reg. No. 39,665	McTavish, Hugh E.	Reg. No. 48,341	Terry, Kathleen R.	Reg. No. 31,884
Forrest, Bradley A.	Reg. No. 30,837	Mehrle, Joseph P.	Reg. No. 45,535	Tong, Viet V.	Reg. No. 45,416
Gamon, Owen J.	Reg. No. 36,143	Moore, Charles L., Jr.	Reg. No. 33,742	Viksnins, Ann S.	Reg. No. 37,748
Gorrie, Gregory J.	Reg. No. 36,530	Muller, Mark V.	Reg. No. 37,509	Woessner, Warren D.	Reg. No. 30,440
Gortych, Joseph E.	Reg. No. 41,791	Nama, Kash	Reg. No. 44,255		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402
Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : Winfried Rauer

Residence: Fischerbach, Germany

Citizenship: Germany
Post Office Address: Eschbach 31
Fischerbach 77716
Germany

Signature: W. Rauer

Date: 3.4.2002

Winfried Rauer

Full Name of joint inventor number 2 : Christian Ruf

Residence: Offenburg, Germany

Citizenship: Germany
Post Office Address: Kirchstrasse 36
Offenburg 77656
Germany

Signature: Christian Ruf

Date: 28.03.02

Christian Ruf

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



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CONFIRMATION NO. 3910

Bib Data Sheet

SERIAL NUMBER 09/998,000	FILING DATE 11/29/2001 RULE	CLASS 073	GROUP ART UNIT 2855	ATTORNEY DOCKET NO. 235.021US1
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APPLICANTS

Winfried Rauer, Fischerbach, GERMANY;
 Christian Ruf, Offenburg, GERMANY;

**** CONTINUING DATA *******

THIS APPLN CLAIMS BENEFIT OF 60/274,712 03/12/2001

**** FOREIGN APPLICATIONS *******

GERMANY 100 59 815.3 12/01/2000

IF REQUIRED, FOREIGN FILING LICENSE GRANTED

** 01/25/2002

Foreign Priority claimed	<input type="checkbox"/> yes <input type="checkbox"/> no	STATE OR COUNTRY GERMANY	SHEETS DRAWING 10	TOTAL CLAIMS 32	INDEPENDENT CLAIMS 4
35 USC 119 (a-d) conditions met	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance				
Verified and Acknowledged	Examiner's Signature _____ Initials _____				

ADDRESS

21186

TITLE

Electronic measuring device for detecting a process variable, in particular a radar or ultrasonic filling level measuring device, and a method for operating a measuring device of this type

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